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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the sixth periodic report of Paraguay

Addendum

Information provided by Paraguay in follow-up to the concluding observations*

[Date received: 10 October 2013]

* The present report is being issued without formal editing.

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Report of the Government of Paraguay

Follow-up to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) adopted in connection with the presentation of the six periodic report of Paraguay, during the fiftieth session of the Committee, in October 2011.

In response to the request made by the Committee in paragraph 42 of document CEDAW/C/PRY/CO/6, the Government of Paraguay herein presents its report on the steps taken to implement the recommendations contained in paragraphs 23 and 31:

Paragraph 23:

(a) Step up its efforts with regard to anti-trafficking initiatives with a view to addressing fully and comprehensively the complexities of trafficking in women and girls and the exploitation of prostitution;

In 2005 the Government created an Inter-Agency Board to Prevent and Suppress Trafficking in Persons in the Republic of Paraguay. Since then the Board has served as the national government's consultative body on the subject, and it coordinates government actions through the National Strategy to Combat Trafficking in Persons.

INSTITUTIONS THAT PARTICIPATE IN THE INTER-AGENCY BOARD TO PREVENT AND SUPPRESS TRAFFICKING IN PERSONS IN THE REPUBLIC OF PARAGUAY

Ministry of Foreign Relations	Ministry of Women's Affairs	SENATUR
Public Prosecution Department *(Ministerio Público)*	Ministry of Education and Culture	SNNA
Supreme Court	Ministry of Public Health and Social Welfare	Social Action Section
Ministry of the Interior	Ministry of Industry and Trade	Repatriated Persons Section
Ministry of Justice and Employment	DGEEC	Directorate General of Migration
Binational Entities		

The Inter-Agency Board prepared the National Policy for the Prevention and Suppression of Trafficking in Persons in the Republic of Paraguay 2010-2019.

The policy document, which was produced jointly by public and civil-society institutions, was approved on 19 January 2012 through Decree No. 8/2012. It provides the Government with a roadmap for addressing issues concerning the adoption of measures to prevent crimes of trafficking; to provide protection and assistance in upholding the human rights of all victims or potential victims of human trafficking, whether in national territory or abroad; and to strengthen actions

for the prosecution of criminal organizations, investigation, court action, and punishment of the crime.

The Ministry of Women, which is the governing, regulatory and strategic authority on gender policies, has a Directorate General for Trafficking within its organizational structure, which ensures that the rights of women in situations of human trafficking are upheld and exercised, by providing:

- Social support, psychological care and legal assistance;
- Care in temporary shelters for women in situations of human trafficking, and protection from risk;
- Technical capacity to review and amend regulatory and institutional policies to combat the trafficking of women and children;
- Technical capacity on the subject to improve the actions taken by the institutions in situations of trafficking in women and children;
- Coordination and articulation for referral and counter-referral actions and services with the Directorate General of Social Services and the four Ronald McDonald Houses (RMHs) and shelters.

In terms of social reintegration. Between 2006 and 2009, the Ministry of Women, with support from the International Organization for Migration (OIM), implemented the Model Social Reintegration Programme (AVOT), which consists specifically of programmed assistance offered to victims of human trafficking. The work itself was divided into two stages: the first, transitory accommodation in the shelter home, along with medical, psychological assistance and legal advice; and the second, microenterprise, formal education or job training.

In 2010 and 2011, with support from the Gender Equity Committee of the ITAIPU Binational Entity, an agreement was signed to address the problem of human trafficking and reintegrate women into their social, economic and community life. The Social Reintegration Model (MRS), sought to achieve the social reintegration of human trafficking victims, basically through productive activities undertaken from the victim's perspective, in accordance with their individual interest and ability. It specifically targeted the area of training and the provision of tools for the victim's economic livelihood and empowerment. Nine victims received support in the form of economic resources and training for reintegration in the Central, Caaguazú and Alto Paraná departments.

In 2012, the Ministry of Women signed an agreement with the International Organization for Migration as part of Andean Development Corporation — CAF/SMPR Project No. 7233/10 entitled "Consolidation of institutional mechanisms for the prevention of human trafficking". This agreement allows this model to be extended to benefit some 15 women victims of human trafficking; and it is also intended to establish the model as an institutional policy. Thus far, the R3/A3 of the reintegration component of the aforementioned project has helped five women victims of trafficking to set up microenterprises; two diagnostic studies have been performed for future facilities; and eight women are currently undergoing a selection process, to complete the total established in the project.

The implementation of the Social Reintegration Programme (PRS), responds to the provisions of Article 6 "Assistance to and protection of victims of trafficking

in persons" of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol: 2002) and Comprehensive Law (Ley Integral) No. 4788/12 against Trafficking in Persons, in which Art. 34 "Medium-term assistance programmes" paragraph 1(4) provides for "Support for family, social and community reintegration". Work is also ongoing under the aforementioned CAF/SMPR project to prepare a manual for the Model Social Reintegration Programme.

Reintegration is accomplished by guaranteeing the dignity, safety and integrity of the beneficiaries, offering relevant information on the process, and stimulating productive microenterprise or technical training, according to the woman victim's individual interests. It is important to note that admission to the PRS is voluntary; and many women choose not to join the programme because it requires a commitment with the institution. The reintegration process is not as simple as it seems, but requires time, economic resources and trained professionals. Reintegration may be a long-term process, and needs to be based on the human trafficking victim's individual needs and aspirations. It is implemented with a view to achieving self-sufficiency and empowerment, to ensure that women do not become victims of the crime of trafficking again in the future.

The scope of the service has been expanded this year to also include adolescents as beneficiaries.

(b) Adopt a law on trafficking which fully complies with Article 6 of the Convention;

On 13 December 2012, Comprehensive Law No. 4788 on Human Trafficking entered into force, with the aim of *"Suppressing and punishing human trafficking in any of its manifestations, whether perpetrated in national territory or abroad. A further aim is to protect and assist victims, by strengthening government action against this criminal conduct,"* thus responding fully to the provisions of the aforementioned Article 6 "Assistance to and protection for victims of human trafficking".

Comprehensive Law No. 4788 on Human Trafficking provides for three specific lines of action: prevention, suppression, and care for the victims of the crime of human trafficking.

(c) Adopt effective referral and identification mechanisms for victims of trafficking;

Pursuant to Article 30 of Comprehensive Law 4788/12 on Human Trafficking, the Inter-agency Board for the Prevention and Suppression of Trafficking in Persons will prepare and approve national guidelines and procedures for identifying victims of human trafficking. It also states that officials and professionals who come into contact with potential victims of human trafficking should have knowledge of these those guidelines and procedures, and apply them both for the identification of trafficking victims and for their immediate referral to the appropriate agencies for accreditation of their status as such. Lastly, it provides that the Public Prosecution Department's Specialized Unit for the Investigation of Cases of Human Trafficking will be responsible for issuing the certification accrediting victims as such, and for approving their access to the rights, benefits and services defined in the law.

In this regard, the Inter-Agency Board is currently drafting national procedures for identifying victims of trafficking; and, in conjunction with institutions involved in the prevention, prosecution and protection of trafficking victims, it is working to design relevant indicators that the officials or professionals involved can use to detect potential cases of trafficking.

The Public Prosecution Department's Specialized Unit to Combat Human Trafficking and the Sexual Exploitation of Children and Adolescents (in the framework of the project to strengthen the Unit supported by the International Organization for Migration (OIM–Paraguay)) is currently designing the system for certifying victims of trafficking, which is set to be implemented in mid-2014.

Until this system is implemented, the Public Prosecution Department identifies victims of trafficking according to international guidelines, with the victim being cared for by a multidisciplinary team of women psychologists, social workers and lawyers. This technical team sends a psychosocial-juridical report on the victim to the relevant criminal units, and makes recommendations for referrals, as pertinent, to ensure she receives comprehensive care.

(d) Adopt the necessary measures to investigate the scope and causes of internal trafficking of children and women in order to draft and implement a comprehensive strategy to prevent trafficking and punish traffickers;

In addition to putting in place a ***National Policy to Prevent and Combat Trafficking in Persons in the Republic of Paraguay 2010–2019***, work has focused on the dissemination of prevention campaigns in the different media, along with training through courses, workshops and seminars targeting the representatives of public and private institutions, such as the armed forces, police, universities, colleges and women in vulnerable situations.

The Public Prosecution Department has undertaken studies and published reports on cases of human trafficking in Paraguay, the data of which have made it possible to apply unified criteria in criminal investigations. Currently, in the framework of the OIM-financed project to strengthen the capacities of the Specialized Unit in the fight against trafficking, work is ongoing to produce a diagnostic study on trafficking in women and children in Paraguay, the finalization and publication of which is set for mid-2014.

(e) Strengthen its mechanisms for the investigation, prosecution and punishment of the perpetrators of trafficking; and

In terms of investigation measures, the new Comprehensive Law 4788/12, against Human Trafficking, provides the Public Prosecution Department, in its capacity as Director of Criminal Investigation, with new tools to strengthen investigation, such as undercover operations, the use of elements such as undercover agent, informants and reformed ex-traffickers, together with a witness protection system.

The law defines the specific crime of human trafficking, in terms of the following criminal conducts: actions aimed at the recruitment, transfer, transportation, harbouring or receipt of a person for the purpose of submitting that person to a regime of sexual exploitation, servitude, servile marriage, forced labour or service, slavery, or any practice similar to slavery; and also the illegal removal of

their organs or tissues. For such crimes, it specifies a prison term of up to eight years, which could be raised to 15 and even 20 years in the presence of the special aggravating factors. It also punishes the obtaining of profits from trafficking and provides for complementary sanctions in the form of property fines and extended special confiscation.

The new law penalizes both domestic and international trafficking, which means that situations that were previously not considered as human trafficking because they occurred within national territory — such as the transportation of children from the countryside for exploitation in domestic service, and the sexual exploitation of women, men, children and adolescents — can now be prosecuted and investigated, and, if the existence of such acts be corroborated, duly punished. Trafficking in children and adolescents is incorporated into the law as aggravating and special aggravating circumstances, depending on age, leading to heavier penalties for the perpetrators.

In that context, to strengthen the organizational structure of the Public Prosecution Department's Specialized Unit and to seek strategic mechanisms to prosecute criminal offences relating to human trafficking, in August 2012 a Technical Support Directorate was set up for the Specialized Unit to Combat Human Trafficking. This prosecutory investigation support directorate has three departments (psychology, social work and legal assistance). These operate on integrated and interdisciplinary basis with the technical team in dealing with victims of crimes within the Specialized Unit's investigatory jurisdiction, from a victimology standpoint and with a human rights perspective.

Moreover, and in response to the challenges posed for the Public Prosecution Department by the new Law on Trafficking, in January 2013 the General State Prosecutor's Office (Fiscalía General del Estado) created Criminal Unit No. 3. Work to raise the professional standards of officials of the Specialized Unit is also ongoing, along with the provision of infrastructure and capacity strengthening to enable the unit to fully perform the functions assigned to it by the law.

(f) Increase its efforts with regard to international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking, through information exchange, and to harmonize legal procedures aimed at the prosecution and punishment of traffickers.

In the prevention and care areas, the Ministry of Women is working on prevention mainly in Mercosur, through the campaign entitled "Mercosur free from trafficking in women". Care issues are being addressed in conjunction with peer institutions from the various Mercosur member countries, for which purpose there is a Mercosur Guide entitled "Care for women in situations of trafficking for sexual exploitation purposes". Work is also being done with institutions from other countries, such as Spain, Thailand, etc.

International cooperation on criminal issues is the Public Prosecution Department's most effective tool in combating international human trafficking. Both formal and informal legal assistance are used constantly by the Specialized Unit; and human trafficking is the criminal act that has most frequently required international assistance.

In that context, the Specialized Unit has signed bilateral agreements with the Federal Public Prosecution Department and with the Ministry of Security of the Argentine Republic, to coordinate their collaboration and ensure fluid information exchange. Investigation protocols have also been signed with other countries, such as Chile and Spain; and these serve as effective mechanisms for exchanging information and defining joint work plans.

Mention should also remain of the Specialized Unit's active participation in the Public Prosecution Department's fight against human trafficking in international cooperation forums — such as the Ibero-American Association of Public Prosecutors (AIAMP), which includes an Ibero-American Network of Prosecutors against Trafficking; the Ibero-American Legal Assistance Network (IberREd), which has working groups on topics including Joint Investigation Teams and the Assessment of Transnational Evidence. It also participates in the Meeting of National Authorities on Trafficking in Persons of the Organization of American States (OAS).

This dynamic of cooperation between the Public Prosecution Department of Paraguay and the countries mentioned has made it possible to impose prison sentences both in the country of origin and in the country of exploitation. Accordingly, the legal and structural tools available in our country to deal with the crime of human trafficking, as defined in the introduction to this report, give rise to measures for adopting a national inter-agency effort to investigate and suppress the perpetrators of the crime.

Paragraph 31:

31. The Committee, reiterating its recommendations from previous concluding observations and recalling its general recommendation No. 24 (1999) on women and health and the Beijing Declaration and Platform for Action, recommends the State party to:

(a) Act without delay and implement effective measures to deal with the high maternal mortality rate, prevent women from having to resort to unsafe abortions and remove punitive provisions imposed on women who undergo abortion;

The "National Plan for the Rapid Reduction of Maternal Mortality and Serious Maternal Morbidity 2012-2017", which is currently being implemented, aims to intensify key actions of proven effectiveness to reduce maternal morbidity and mortality in strategic areas, and which promote universal access for women to quality health-care with a rights and inter-culturality approach. The Ministry of Women has proposed lines of action under the plan; access for women to quality health services, taking account of their specific primary health-care needs, including family planning, pregnancy, childbirth and puerperium, treatment for HIV and syphilis infections, and providing all of those services free of charge to the most vulnerable population groups.

The Ministry of Public Health and Social Welfare has set up a Safe Maternity Committee nationally and another in each of the country's health regions, with the aim of analyzing the current situation of maternal and neonatal health and morbidity, and promoting specific actions of major impact such as: access to family planning for women who are not pregnant, early identification, and others. Work has

also been done to promote women's empowerment, and the participation and co-responsibility of the man, in sexual and reproductive health, with days of debate in the health-care facilities of the Ministry of Public Health and Social Welfare (MSPBS) — on the causes of maternal mortality from a gender perspective, with a stronger emphasis on the regional centres of the MSPBS.

*(b) **Adopt a policy for patient privacy, to safeguard doctor-patient confidentiality, specifically when treating women for abortion complications;***

In the framework of the Inter-Agency Cooperation Agreement signed between the MSPBS and the Ministry of Women, the two ministries have collaborated to produce a document entitled "Manual on standards of post-abortion care with a human face", with support from the Pan-American Health Organization (PAHO), the United Nations Population Fund (UNFPA) and the Paraguayan Centre for Population Studies (CEPEP). The document aims to ensure that women in post-abortion situations have access to quality care under a rights approach and with an emphasis on confidentiality. It also provides support for the actions of health service personnel governed by professional secrecy under Resolution No. 146 "Establishing the compulsory nature of access to Health Service facilities, quality health care, and care without discrimination, effectively fulfilling the duty of confidentiality and guaranteeing the full observance of professional secrecy in health care."

The document is currently going through a stage of socialization, promotion, dissemination, and training at the national level, with regional women's health-care centres in the departments of Canindeyú, Filadelfia, Alto Paraná.

*(c) **Strengthen institutional health-care capacity and the implementation of programmes and policies aimed at providing effective access for women to health care information services, in particular regarding reproductive health and affordable contraceptive methods, with the aim of preventing clandestine abortions; and***

The Ministry of Women is coordinating inter-agency actions with the MSPBS, in the framework of the Inter-Agency Agreement, through the Integrated Health Area of the Third National Plan on Equality and Non-discrimination between Women and Men. With the National Programme to Control HIV/AIDS and Sexually Transmitted Diseases (PRONASIDA) work was done on the HIV/AIDS prevention campaign with participation from non-governmental organizations. In 2013 the review and preparation of the National Strategic Plan to Address Sexually Transmitted Infections HIV/AIDS STI (2013-2017) was launched, under an integrated approach for women, children and adolescents. Integrated care defines a multidimensional and biophysical social vision of persons and involves continuous and consistent provision of actions targeting the individual, which must be accessible, timely, of high quality and warmth, respecting human rights, and without discrimination or stigma.

Its basic pillars include education, promotion, prevention, diagnosis, prophylaxis and treatment, strategic information —surveillance, public policies — human rights, discrimination and stigma — gender, inter-sectoral harmonization, monitoring and evaluation. The Maternal and Neonatal Health Surveillance System

has been revived, with technical support from specialists and cooperation agencies such as PAHO/WHO and UNFPA.

Work has also been done to strengthen the curative capabilities of an integrated network of services, complemented by a system of communication and transport for referral, adequate care of the newborn child, with immediate and affective contact with the mother in joint accommodation, and an early start to exclusive maternal breast feeding during the first six months of life, together with the use of the "kangaroo mother care" method for low-wage and premature babies. Following an initiative of the Association of Ministry of Health Obstetricians, the National Chamber of Deputies declared the national walk, "Alliance for safe maternity in Paraguay", held on 10 August 2013 to be of national interest.

In the context of implementation of the Third National Equal Opportunities Plan of the Ministry of Women — Integrated Health Area, in conjunction with the Paraguayan Centre for Population Studies (CEPEP), and with support from the European Union in the framework of the "Promoting rights" project, training workshops have been held for Women's Bureaus in the Departmental Governor's offices and municipalities. The objective was to raise awareness of the rights approach in sexual and reproductive health, and to update knowledge on reproductive health, gender-based violence and trafficking in persons. The Women's Bureaus in the Governor's Offices and in the municipalities implement gender policies locally.

The availability of contraceptives is monitored through the Inter-Agency Committee for the Guaranteed Availability of Contraceptives (DAIA) which seeks to ensure permanent provision of medications, key inputs and basic equipment for obstetric emergencies, and for vaginal and caesarean childbirth, and to provide care from birth for a newborn baby or a baby with complications, and ensure correct use of the partogram and records of the clinical and perinatal history, which are fundamental for ensuring healthy maternity. Law 4313/2011 guarantees the availability of contraceptive inputs and childbirth kits. The rate of contraceptive use has increased significantly as a result of the advisory service and the supply of family planning services.